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Board Meeting – September 23, 2013

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Andrew Bedar, Member (AB)
- Carol Steinberg, Member (CS)

and

- Thomas Hopkins, Executive Director
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Myra Berloff, Massachusetts Office on Disability (MB)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Gerald LeBlanc, Member (GL)
- Mark Trivett, Member (MT)
- Diane McLeod, Vice Chair (DM)

- Meeting began at 9:25 a.m.

1) Discussion: Winthrop Ferry Terminal, 707 Shirley Street, Winthrop

- TH
- work is completed at the terminal
 - EXHIBIT – photos of work completed

CS - motion to close the case and call the work compliant

AB - second – carries

2) Discussion: St. Peter's Episcopal Church, 421 Wianno Ave., Osterville (V12-110)

- TH - EXHIBIT – letter from Conserp Group
- sent pictures of the elevator and the inspection certificate
 - pictures of the elevator lobby

CS - *accept report and photos and deem the case closed*

AB - *second – carries*

3) Incoming: Housing Authority, 4 Foster Street, Pepperell (V13-260)

- TH - EXHIBIT – variance application
- renovation of 30 year old elevator
 - elevator will be out of service for 6-8 weeks
 - propose to install 4 Stannah stair lifts in one of the outdoor stairways, for temporary basis

AB - *deny*

CS - *what is the difference in pricing?*

- *second*

- *carries*

4) Advisory Opinion: Shore County Day School, Beverly (20.7, detectable warnings under stairs)

- TH - EXHIBIT – picture of issue
- detection strip on the floor for detectable warning space

AB - *does not comply*

CS - *second - carries*

5) Incoming: Commercial Building, 239 Causeway St., Boston (V13-255)

- TH - EXHIBIT – variance application
- variance for the lift dimension
 - existing lift is 35" x 48", 36" x 54" required
 - owner does propose to fix the approach to the lift
 - work performed only
 - will mitigate the problems with the approach by creating a slight ramp and level landing at the door

CS - *would it help to have a door opener on the door?*

WW - *wall-to-wall platform will help*

TH - *it may help*

CS - *grant as proposed, on the condition that auto-opener added at the door*

AB - second - carries

6) Discussion: Isabella Stewart Gardner Museum, 280 The Fenway & 25 Evans Way, Boston (V11-147, C12-031, V12-189)

TH - EXHIBIT – email from Robert Carasitti from June 14, 2013
- Long Gallery door will be widened as approved by the AG
- construction will take place during January/February 2014
- signage will be posted for direction and the lift (July 2013)
- will fix signage on the lift
- monthly maintenance for the lift

CS - require submittal of AG's decision, photographs of signage and copy of maintenance plan by October 18, 2013, for review at the October 21st meeting

AB - second - carries

Raymond Glazier, Executive Office on Elder Affairs Designee (RG) – Now Present

7) Discussion: Berkshire Museum, 39 South St., Pittsfield (V07-170)

TH - EXHIBIT – status report, dated 9/13/13
- construction still expected to be completed by 4/1/14

CS - accept the status report

AB - second – carries

8) Discussion: Sharon Commuter Rail Station, 1 Upland Rd., Sharon (C11-051, V12-225)

TH - EXHIBIT – amendment to the original variance docket
- work was required to be completed by 10/1/13, after an extension from original 10/1/12 order
- extension requested to 5/1/14, for everything to be completed by then (interior and exterior)

CS - accept as proposed, with the understanding that no further extensions/continuances will be allowed

RG - second – carries

9) Discussion: Isaac Harris Cary Memorial Building, 1605 Mass. Ave., Lexington (V13-238)

TH - EXHIBIT – submittal
- will cut the server counter back

CS - no variance required for the counter since they have agreed to cut it back; and accept the design for the kitchen

AB - second – carries

10) Incoming: Shiso Kitchen, 374 Washington St., Somerville (V13-256)

TH - EXHIBIT – variance application

- spending over 30%

- teaching kitchen

- seeking variance for the entrance, provided affidavit that students will have no access to kitchen or prep areas

CS - deny

AB - second - carries

11) Discussion: AJ & AG Realty, 336 Union Ave., Framingham (V13-080)

TH - held a hearing in July, issued order for 30% review of the building, due on 9/15/13

- on 9/9/13 received roll of stamped plans, but no additional paperwork

- need to reschedule the hearing

CS - fine hearing

AB - second – carries

12) Discussion: Crockett House, 78 Oxford St., Cambridge (V13-148)

TH - EXHIBIT – submittal from Petitioners

- agree to amend their variance to seek a variance for 28.1 and 44.1 regarding the lack of vertical access and the lack of access to the upper level common spaces

CS - any cost provided?

TH - no

- need to know the costs

TH - never gave them any costs

CS - reiterate jurisdiction of the case, and to continue for more information regarding the costs of compliance (lift, LULA, elevator, and costs of bathrooms)

AB - second – carries

CS - Submit by the 18th, to be heard on the 21

RG - second - carries

- BRIEF BREAK -

13) Incoming Discussion: 699 Boylston St., Boston (V13-108)

TH - EXHIBIT – new submittal, amendment to the variance for the requirements for reciprocal curb cuts
- sidewalk and plaza plan for certain area, if done well and accepted by the City, will be done all down the street and at both sides of the street
- continued request at last hearing to have more information regarding the reciprocal curb cuts
- letter from Boston Redevelopment Authority, explaining that 699 Boylston is a pilot project to create uniform standards for the sidewalks along Boylston Street
- would like to postpone the construction of the reciprocal curb cut, since they want to review the project as a whole

CS - *grant the request to allow 699 to be completed, and the reciprocal curb cut in front of The Tannery will be dealt with during the overall project*

AB - *second – carries*

14) Discussion: Exchange Hall, 2 School St., Acton (V11-110)

TH - EXHIBIT – new submittal of work done; with photographs
- seeking variance for the slope of an existing parking space, which he created on existing pavement with slopes of 3-5%
- wants to maintain the stage as inaccessible, since it is not allowed to be used
- time variance for the second floor toilet room by 7/1/14, to allow until then to make that toilet room accessible

AB - *accept the compliance photos*

RG - *second – carries*

RG - *grant the time variance to 7/1/14 for the second floor toilet room*

CS - *second – carries*

AB - *grant the variance for the slope of the existing accessible parking space*

CS - *second – carries*

AB - *require a signed affidavit that the stage is never used by members of the public, anyone other than a paid employee of that building, and signage at the stage stating as such submitted by 10/18/13*

CS - *second - carries*

15) Discussion: Eleven North Restaurant, 11 North Water St., Edgartown (V12-206)

TH - EXHIBIT – new submittal, plan still not approved by the Town
- now proposing vertical wheelchair lift solution
- extended temporary CO to 11/1/13
- proposing vertical lift with 90 degree turn

CS - *develop the two different plans, to include a timeframe and costs and submitted by 10/18/13*

RG - second – carries

16) Incoming: Power House, 10 East Dr., Amherst (V13-253)

TH - EXHIBIT- variance application

- renovation and reuse of an old power building into a student use space
- seeking variance for 575 square foot mezzanine and the lack of access to it
- floor heights are 13' 6", would need a variance from the Elevator Board for the travel distance of a vertical wheelchair lift
- mezzanine is at the back of the building
- at the front, lift and steps down to the main even floor
- there are still steam pipes that run under the mezzanine

CS - deny the variance for the lack of access to the mezzanine level, would support variance to the elevator board

RG - second – carries with AB abstaining

CS - don't know what it is used for?

TH - part of program space, two new openings created in existing load bearing wall

WW - plan of LULA/elevator reduces the space to 390 square feet

- would result in a switchback stair

- lift would reduce the space about the same

TH - raised entry platform at the entrance will provide the same amenities at the other end of the building

CS - need to know how it is used

17) Hearing: Cochituate Homes Cooperative, 12-A Interfaith Terrace, Framingham (V13-178)

WW - called to order at 11:00 a.m.

- introduce the Board

- notice of lack of quorum, expecting one more member to make a quorum, but since not currently present, can wait until the quorum and come back, or go forward with the current hearing

TH - another Board Member will render another vote after reviewing the matter

Petitioners will proceed (MJ)

Michael Jacobs, MHJ Associates (MJ)

Neal Mongold, Narrow Gate Architecture (NM)

WW - both sworn in

- EXHIBIT 1 – AAB1-39

TH - email from David Correia of Metrowest Center for Independent Living, in support of variance

- email from Karen Dempsey, Commission on Disability for Framingham, in support of the variance request

- email from NM 9/20/13, which includes new plan for work

WW - email from David Correia as EXHIBIT 2

- email from Karen Dempsey as EXHIBIT 3

- email from NM as EXHIBIT 4

MJ - originally developed by a church organization in the 1970s and then turned over to a resident coop board

- 100% project based section 8

- originally financed under a now defunct HUD program

- also received assistances from nonprofit and HUD

- as of 7/1/12 all assistance is due to be repaid

- want to keep the rents as affordable as possible, no rent increase for the last 15 years

- as a result of that, HUD has issued a default notice because of the condition of the property, and they may soon issue another notice about the lack of repayment of the previous loan

- been working over the past two years with the residences to work with them about the proposed improvements and the fact that people will not be relocated

- need to make all common use spaces accessible

- 162 units, only 32 are flats; everything else is 2-story

- of the 32 units, all are 1-BR units, with 16 having the bedroom at the first floor, and 16 with the bedroom at the second floor

- 3 buildings with flats, all of the other buildings are town houses

- building are within 100 year flood plan, so need conservation commission and zoning department approval

- site map, all of the sidewalks will be replaced, and the two main sidewalk along Interfaith Terrace are not wide enough to meet the requirements of 521 CMR

- intent is to deal with all of the public use and common use areas, to comply with the requirements of 521 CMR

- need to provide 5% of the units, based on spending

- initial variance application was to propose 3 accessible units (with one 1-BR and two 3-BR units)

- now proposing full required 8 accessible units (2 1-BRs, 3 2-BR, 2 3-BR, and 1 4-BR)

- this will add one unit to the overall scope making it 163 units, but allows two 1-BR units to make one of the 3-BR accessible units

- the other 3-BR unit will be a townhouse but will be made accessible with the installation of a vertical wheelchair lift

- since the development is fully occupied, these proposed units are requested to be provided over time, 2 of the 1-br units and the 4-br accessible unit will be done immediately, but will do the additional units when the vacancies are there to do the work

MJ - would try to put incentives to encourage people to move to speed up the process

- 10 4-br units, last turnover was in 2007

- as part of the underwriting lender, there would be replacement funds to provide the units in the future

- WW - what about the buildings with the white roofs
 MJ - no, another low income housing development
- NM - each unit has a fenced in yard in the front and back
 - revised proposal is meeting the grounds of the proof for excessive cost without substantial benefit to persons with disabilities?
- WW - just need time to comply, so it would be a time variance requested
- CS - variance from conservation commission required?
 NM - required because it's new construction on the existing footprint
 - if you build in the flood zone, required to get approval from conservation and zoning
 - there is one end of the building that is outside of the flood zone, but is subject to the setback requirements of the zoning board
 - assuming that it would not be an issue to be granted variances from conservation and zoning for the Town
 - it appears that they will not need any zoning relief for the 4-BR to be built
- CS - can refinance 100% Section 8
 MJ - going to be requesting 15-20 years
 - will need to get approval from HUD for changing the unit mix
 NM - will end up with the same total number of units, but the mix will be different; will have more beds
- CS - what kind of time is requested?
 MJ - hard to say
 - first goal is to try to go to residents in the occupied units and give them incentives to move out of the proposed units that will be converted to accessible units, but will need to have units available for them as well
- MJ - need HUD to approve the restructuring as well, and need that for financing to be complete, can't apply for financing until this matter is resolved with this Board
- RG - glad about the hold on the funds
- TH - build-out in setback, have other cases in other towns, where they have argued other accessibility features within a setback, which is allowed for ramps under Chapter 40A, Section 3
- NM - intent to file and seek variances and special permits that are required to meet this proposal
- MJ - when would the 3 years start? From today or the start of construction?
 TH - if 3 units up front, then can give 3 years from the start of construction

MJ - goal is to start construction in the spring of 2014

WW - can ask for additional time

CS - accept the plan for the accessible units, with the understanding that three accessible units (2 1-BR, and 1 4-BR) will be completed during the first phase of construction, and that the remaining units (5, consisting of 3 2-Brs and 2 3-brs) within 3 years of when the initial construction loan is closed

RG - second - carries

18) Incoming: Saltonstall Building, 121 Riverside Ave., Medford (V13-251)

TH - EXHIBIT – variance application

- 200 units of elderly housing

- work performed jurisdiction

- replacement of all hollow-core metal doors, with new efficiency doors, which lead to the balconies

- variance for the width of the doors, proposed clear width of 31 ½”, 32” required

CS - grant

RG - second – carries

19) Discussion: Wightman’s Tennis Center, 100 Brown St., Weston (V02-020 and V13-184)

TH - EXHIBIT – new submittal from architect, seeking to withdraw the variance at this time

- should require some status reports

- was required to submit more information about proposal for compliance

- now they are proposing to just do the required work

CS - continue the matter, to have the petitioners submit plans of the proposed project when they are finalized (and any amended variances requested), and status reports starting March 1, 2014 and every 6 months thereafter

RG - second – carries

20) Incoming Discussion: Attleboro High School, 100 Rathbun Willard Dr., Attleboro (V13-213)

TH - contacted the Board Staff to use the football field last Friday night, with lift not installed yet

- okayed after discussion with the Chairman to use the press box on Friday night

- supported a temporary CO

- lift would be completed by the end of the day on the 24th and then the elevator inspector will be allowed

RG - support the decision of the Board Staff and the Chairman

CS - second – carries

- LUNCH BREAK -

21) Incoming Discussion: Country Club, 639 South St., Pittsfield (V13-243)

TH - EXHIBIT – follow-up to previous decision of the Board; two other accessible entrances

CS - grant the variance to allow the rebuild of the stairs, based on excessive cost without substantial benefit

RG - second – carries

22) Incoming Discussion: Samba West, 1583 Worcester Rd., Framingham (V13-220)

TH - EXHIBIT – new submittal of written policy

- reviewed the application on August 12th, and it was granted, on the condition that there was a written policy in place for the lack of access to the mezzanine and the policy for functions

CS - accept the policy

RG - second - carries

23) Incoming: Bellow's Farm Condos, Clubhouse and Pool, 11 Davis Rd., Acton (V13-261)

TH - EXHIBIT – variance application

- resurfacing pool interior and retiling top of the pool

- work will be over 30% of the pool value

- Petitioner proposing installation of portable lift with sockets

- seeking a variance for the walkway around the pool, and level landing at the pool house

- Commission on Disability submitted e-mail on Saturday, September 21st, asking that an additional gate be created

CS - grant the variances requested, on the condition that the recommended additional gate be created

RG - second – carries

- Myra Berloff, Director of the Massachusetts Office on Disability – Now Present (MB) -

24) Hearing: Proprietors Restaurant, 9 India Lane, Nantucket (V13-

WW - called to order at 1 p.m.

- introduce the Board

Steven Cohen, Attorney for Proprietors Restaurant

Orla LaScola, Owner of Proprietors Restaurant

Matthew MacEachern, Architectural Designer

Sarah Alger, Attorney for the Building Owner

WW - all sworn in
- EXHIBIT 1 – AAB1-90

TH - email from Commission on Disability in support of the variances requested
WW - EXHIBIT 2, letter from Commission

TH - (history of the case)

WW - read letter from the Nantucket Commission on Disability into the record
- letter is with conditions that contrast striping placed on the interior and exterior stairs

MM - existing structure is from 1847 and a lot of the structure is in its original condition
- building is also located in the core district of Nantucket
- previously used as restaurant for 30 years, 60% of seating at the first floor, 40% at the second floor
- when current restaurant owners went into the space, wanted to create more seating and make the first floor accessible
- accessible bathroom added and a second half bath was created
- also added a second handrail to the front door stairs and the interior stairs to create a compliant handrails
- the Petitioners are working on the installation of the contrasting strips at the stairs, as proposed by the Commission on Disability
- also put on the restaurant's website about a plan for drop-off for persons with disabilities, to be able to cross at the brick crosswalk, instead of the cobblestone crosswalk
- menus (AAB33) have an integrated priority seating on the menus, at the outdoor menu box and on the restaurant website, additional card at the base of the outdoor menu box

OL - do have a patron that comes in on a regular basis that cannot stand for long, so have asked patrons to move to the second floor if the first floor is full, and there has never been an issue

MM - Option A (AAB16)
- first attempt to create access to the second floor
- this would create issue with the 1847 heavy timber frame of the building
- second floor would lose a significant amount of seats, and the installation of the accessible toilet room would reduce the usable space further
- AAB17, would lose the basement alcohol storage space with the installation of the lift
- small free-standing shed built which is a walk-in cooler

MM - Option B (AAB19)
- small fireplace (AAB20 shows it) area is a waiting area next to the bar
- the installation of the lift would take away this space
- cooler would have to be removed at the basement level

- MM - Option C (AAB22)
- this option would require historic commission approval
 - would create a loss of space at the bar, remove cooler and ice machines
- MM - Option A - \$110,000.00 construction cost; seat loss – 14 seats; Annual loss \$350,000.00 per season
- Option B - \$131,593.00 construction cost: seat loss – 10 seats; \$210,000 annually
 - Option C - \$129,399.00 construction cost: 14 seats; \$375,000.00 annually
 - Option A would reduce the existing dining area, lose key storage spaces, require foundation demo and new footings, and would require demo and reframing of existing 1850's timber frame
 - Option B would create loss of casual seating area adjacent to the bar, elimination/replacement of cold storage and HVAC, require foundation demo and new footings, and demo and reframing of existing 1850's timber frame
 - Option C would require bar reconstruction and elimination/relocation of key appliances, requires relocation of staff service area including plumbing and specialty equipment, would require HDC approval, and would require demo and reframing of existing 1850's timber frame
- OL - can fit more in the first floor than the second floor
- people have been asking when taking reservations if there is anyone in need of access, that would require the first floor seating
 - always wanted more services on the ground floor, had patrons that have been loyal to their other restaurant, so mindful of the requirements for access
 - no different furnishings at the second floor
- TH - was at the site in July
- first floor was completely accessible
 - only issue was the flush valve location and the exit signage
- OL - those items are in the works to be fixed
- MB - handrail at the wall side added, so need variance for that
- TH - that was granted initially during the incoming case review
- MB - exterior handrails?
- MM - adding exterior handrail at the front stoop
- wooden handrail fabricated, which is removable, in the interim
- MM - seeking variance for second floor toilet room to not comply due to request for the lack of vertical access
- AB - perhaps provide some grab bars at the second floor
- CS - use the second floor for parties?
- OL - yes, but all parties have been requested at the first floor
- would like to see a written policy to that effect that reaffirms asking about patrons in the parties

CS - *grant the variance for the lack of vertical access, on the condition that a written policy is instituted, submitted to the Board by October 4, 2013*

MB - *second – carries*

CS - *grant the variance for the second floor toilet room, on the condition that grab bars are installed*

MB - *second – and the toilet is at a compliant height*
- carries

CS - *pictures confirming flush valve change at accessible toilet room, second floor toilet room pictures of the grab bars, toilet height and the handrail at the exterior by November 15, 2013*

MB - *second – carries*

25) Incoming: 505 Washington St., aka 59 Temple Place, Boston (V13-254)

TH - EXHIBIT – variance application
- existing 6 story armory building, built in 1904
- 11 story building built in 1908, all part of one building
- conversion to hotel and business use
- spending \$38 million, over 30%
- variance for handrails and nosings
- existing stair 1A, serving floors 1-5, and 1B serving floors 5-11 do not meet nosing and handrail requirements
- variance sought to maintain the nosings and interior handrails, will have wall compliant handrail at the upper segment

MB - what about the width between the handrails?

TH - not about that, it is about the historic fabric of the stairs

MB - *grant relief as requested for everything but that short section subject to the railing request, with further explanation as to why they cannot add a handrail at that short section of stair, submitted within 30 days*

AB - *second - carries*

26) Hearing: Village Park Apartments, 497 East Pleasant Street, Amherst (V13-181)

WW - call to order at 2 p.m.
- introduce the Board

Dominic Marinelli, Access Consultant (DM)

John Kuhn, Kuhn Riddle Architects (JK)

Lindsay Schnarr, Kuhn Riddle Architects (LS)

WW - all sworn in

- EXHIBIT 1 – AAB1-38
- EXHIBIT 2 – September 20, 2013 email from Dominic Marinelli with attached plans

- DM
- work with applicants to make sure that properties meet federal and state housing requirements
 - not so much as triggered the requirements, they proposed to provide the 5% units to Mass Housing
 - site was constructed in 1970 and has 200 1, 2 and 3 bedroom units
 - 100 1BR, 90 2 BR and 10 3BR units
 - attempt was to provide 5% of each unit type offered; 5 1-BR units (building 5, 6, 9, and 10), 4 2-BR units (buildings 106, 117, 124, 164 and 169), 1 3-BR unit (Building 107)
 - tried to disperse throughout the properties, also providing accessible parking, routes, and all public and common use exterior spaces
 - proposing to not provide space for the future installation of a lift to the 2 and 3 bedroom units; would like to provide accessible laundry units in the space where the future of the lift would be provided
 - since no accessible route proposed to the 2 and 3 BR units, proposing to not provide an accessible bathroom at the second floors of those units
 - would prefer to provide the laundry in the units, so that the person within the unit does not have to travel to the common laundry facility
- WW
- excessive cost without benefit or technologically infeasible?
- DM
- if technological infeasibility is different than the 504 definition, then would say excessive cost without benefit to persons with disabilities
- DM
- promised Mass Housing that these units would be provided, so this is the reason that these are proposed, no jurisdiction requirement
- KS
- yes, jurisdiction shown on AAB1, spending \$38,000,000.00 and assessed at \$8,213,900.00, so over 30%
- DM
- ok, jurisdiction is there, but never an issue
- JK
- look at adding onto the units to provide the required accessible units
 - AAB28 and 29 show the first and second floors of the units
 - townhouses which share a common entryway, attached in clusters of 4-8 units
 - proposal was to add on to the side for the additional bedroom, with existing section completely renovated
 - adding new ramps and porches to the front and back of each unit
 - lift to the second floor would require work above the roofline to add the lift and to make the second floor toilet room accessible
 - the cost of the installation of the lift, is shown on the second page of Exhibit 2
 - 2 estimates for all 9 units; hoistway provided within the units, but would like to utilize as laundry area within the unit, which would prevent the need to go to the laundry facility, which is across the complex
 - for 3 BR, adding 2 units at the first floor instead of 1
- DM
- Exhibit 2, 2BR2E, shows lift modification

- MB - \$67,000 for each unit to put in the lifts?
 - if to make 2 flats, what is the cost of that; more than \$67,000?
 JK - more
 - what about families with kids on the upper floors, there is substantial benefit to getting to the second floor spaces
- DM - doesn't require that device be installed, only that the space be provided
 - for this project, to install it, it would be modifying the roof line as well
- MB - can only look at the substantial benefit criteria
 DM - no accessible route to the second floor proposed
 - plan was to provide amenities at the first floor
 - have to prove excessive cost without substantial benefit or technologically infeasible
- DM - cost of creating access to the second floor
- DM - unsure of where the \$38,000,000.00, comes from
 WW - AAB11, \$38,000,000.00 directly quoted
 - that is if all 200 units were done, only doing work to 9 units
- JK - one unit already upgraded, only working on 9
 KS - \$190,000 per unit, so total of \$1,710,000.00, and assessed at \$8,213,900
- JK - could frame the roof for possibility to install the lift
 (TAPE)
- MB - lifts in 3 bedrooms?
 DM - cost for lifts in 4 units
- TH - spending on the project in a 3 year period?
 JK - estimates from contractors for the work done is \$732,914.00 and \$759,117.57
 - so therefore work performed would only be required which triggers entrance and bathroom
 - but since under 30% and based on Section 9, this variance may not be required
- CS - *continue to get more information about the money being spent*
 TH - *will this hold up the project?*
 JK - *it may, hoping to be in the ground prior to the end of the year, but a lot of site work done*
 MB - *need to get more information and need to get council, since DHCD was sent to them, so need to make sure that based on work performed what jurisdiction applies*
 MB - *second - carries*

27) Discussion: MOTION FOR EXECUTIVE SESSION – Laconia Lofts

RG - executive session

MB - second - carries

NO TAPE

Carrie Donagon, Assistant Attorney General (CD)

Deirdre Hosler, Deputy General Counsel for DPS (DH)

28) Hearing: Barrington Stage, 36 Linden St., Pittsfield (V12-190)

WW - called to order at 3:30 p.m.

- introduce the Board

- fine and variance hearing

Donald Ferry, Bradley Architects (DF)

Tristan Wilson, Managing Director for Barrington Stage Company (TW)

WW - both sworn in

- EXHIBIT 1 – AAB1-63

DF - variance request, previously before the Board for time to operate on both levels, where they had only been operating on the upper level previously

- lower level cabaret facility has a steep sloped ramp, time was allowed to put a lift in

- revised application, propose to maintain existing ramp with steep slope, looking to install LULA from parking lot

TW - issue with a full elevator is a cost to install that elevator

- with the building as is, the option would require an addition to house an elevator shaft

- the creation of the LULA was a cost effective and useful way to provide access to both level

DF - proposing LULA, housed within an enclosure, large enough to hold a wheelchair and another person

- come to mid level parking and goes to upper level and lower level

TW - prime entrance to the lower level would still be down the ramp

DF - each level has three different entrances/exits

MB - how do you determine who needs to use it?

TW - it is available to anyone

MB - what about someone who does not have an apparent disability

- wouldn't tell them they cannot use it, but will provide directional signage

DF - there will be no policing or limitation of use

MB - if this is a fine hearing?

TH - fine hearing was based on the signage and the notice that the Board received that the signage was removed

DF - originally offered to provide an elevator, but now proposing a LULA

MB - what if the lower level is open and the upper level is not, can the lift still be used

DF - AAB9, sign location is directly adjacent to the door to the lift at the interior, as shown on Plan A101 (AAB9)

MB - elevator was previously ordered to be installed by September 1, 2014

TW - can do the lift by that same timeframe

CS - how do you get to LULA from first floor?

DF - AAB10, plan shows the first floor, accessible route into the lobby, go past the accessible toilet room and to the LULA

- don't have to go outside to use the LULA, all internal

TW - signage is back, it was missing for 7 days or so

RG - travel distance for the LULA

DF - 11 feet

CS - *grant the use of a LULA, same installation timeframe, installed by 9/1/2014*

MB - *second – carries*

MB - *no fines shall be rendered, based on the testimony and verification that they have corrected the violation; and that they continue to work with the commission to design a permanently affixed sign, with verification of the sign installed to be submitted to the Board by December 1, 2013, if no photos received by said date, need request of extension prior to said date, then fines will accrue at a rate of \$500/day 7 day basis*

CS - *second – carries*

No More TH

29) Discussion: Beverly Golf & Tennis Club, 134 McKay St., Beverly (V11-231 & C11-080)

KS - case was previously voted to be closed, but still outstanding issues

RG - *rescind and issue amended decision*

CS - *second – carries*

30) Discussion: Minutes and Decisions from 9/9/13

CS - *accept minutes and decisions of 9/9/13*

RG - *second – carries with MB abstaining*

31) Incoming: Pippas Karate Center, 529 & 531 Main St., Acton (V13-248)

KS - EXHIBIT – variance application

- work performed

- created route and parking, proposal from commission

MB - *continue for more information regarding the path of travel and the slopes along the wall and the location of window boxes and dimensions*

CS - *second – carries*

32) Incoming: Kendall Nursery School, 577 Belmont St., Belmont (V13-244)

WW - EXHIBIT – variance application

- change in use of the lower level storage room, and work performed

- change portion of storage room to a toilet and two children's sinks and one utility sink

- being required by Department of Early Education and Care to provide a bathroom

- converting the lower level storage area of the building to the toilet room required by the EEC

MB - *grant*

RG - *second – carries with CS opposed*

33) Advisory Opinion: Quinn Middle School, Hudson

WW - not sure if routes at stage are compliant from band room to the stage; route is within the area to the seating area

MB - *complies with route*

AB - *second – carries*

34) Discussion: Town Hall, 59 Main St., Hatfield (V13-136)

KS - new submittal from the petitioners

MB - *grant the variance for nosings, as proposed*

CS - *second – carries*

AB - *grant distance between handrail and wall*

RG - *second – carries*

MB - *grant relief for the noncompliant, on the condition that compliant wall mounted handrail proposed*

RG - *second – carries*

MB - accept the proposal to complete compliant counter, to be completed by 12/1/13 with photographic proof

AB - second – carries

35) Discussion: Saugus Crosswalk

KS - does the crosswalk comply?

- Tabled -

- End of Meeting -